

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

IN RE:

DAVE YOND

Debtors

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NO. 15-31593-HCM

**MOTION TO DETERMINE THE RIGHT TO POSSESSION OF FUNDS**

**This pleading requests relief that may be adverse to your interests.**

**If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.**

**A timely filed response is necessary for a hearing to be held.**

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

Comes now, Dave Yond, Debtor herein by and through his attorney of record, Edgar Borrego/Miguel Flores, and file this Motion to Determine the Right to Possession of Funds, and would respectfully represent:

I.

Debtor herein filed a voluntary petition for relief under Chapter 13 on October 09, 2015.

II.

Debtor will respectfully show the Court that Debtor expedited a Motion to Sell Property for the house located at 14692 Igor Kaleri, El Paso TX, 79938. An order to sell the house free and clear of liens was entered on July 14, 2021.

III.

On August 20, 2021 the Chapter 13 Trustee's office received net proceeds of the sale in

the amount of \$5,905.34 after closing and after all liens were paid in full. The debt was listed as their homestead of schedule A and federally exempted under 11 U.S.C. § 522(d)(5) in schedule C in his petition.

IV.

Debtor requests that the proceeds of \$5,905.34 be used to pay off his Chapter 13 plan and any remaining funds be remitted to him.

V.


Attached to this motion is Exhibit A showing the form of proposed order.

WHEREFORE, Dave Yond, Debtor herein prays for an Order authorizing his right of possession of said funds from the sale of his property in the amount of \$5,905.34 and for such other relief as is just.

DATED this the <sup>Sep 14, 2021</sup> day of Sep 14, 2021, 2021.

Respectfully submitted,

  
\_\_\_\_\_  
DAVE YOND

  
\_\_\_\_\_  
EDGAR J. BORREGO, SBN 00787107  
MIGUEL A. FLORES, SBN 24036574  
Attorneys for Debtor  
2610 Montana Avenue  
El Paso, TX 79903  
(915) 566-4300  
[efile@tanzyborrego.com](mailto:efile@tanzyborrego.com)

CERTIFICATE OF SERVICE

I certify that on 17<sup>th</sup> day of Sept, 2021 a true and correct copy of the above and foregoing was served upon the following parties via electronic means as listed on the court's ECF noticing system or by regular first class mail:



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**Edgar J. Borrego/Miguel Flores**  
Attorneys for Tanzy & Borrego Law Offices

Label Matrix for local noticing  
0542-3  
Case 15-31593-hcm  
Western District of Texas  
El Paso  
Mon Sep 13 17:55:20 CDT 2021

U.S. BANKRUPTCY COURT  
511 E. San Antonio Ave., Rm. 444  
EL PASO, TX 79901-2417

AMERICAN EXPRESS BANK, FSB  
C/O BECKET AND LEE LLP  
POB 3001  
MALVERN, PA 19355-0701

American Express  
P.O. Box 981535  
El Paso, TX 79998-1535

(p)CREDITORS BANKRUPTCY SERVICE  
PO BOX 800849  
DALLAS TX 75380-0849

Army & Air Force Exchange Services  
c/o Bass & Associates, P.C.  
3936 E. Ft. Lowell Suite 200  
Tucson, AZ 85712-1083

Attorney General  
10th & Constitution N.W.  
Main Justice Bldg. #5111  
Washington, DC 20530-0001

City of El Paso  
c/o Don Stecker  
711 Navarro Suite 300  
San Antonio, TX 78205-1749

Columbia County Tax Assessor  
P.O. Box 498  
Evans, GA 30809-0498

Comanche County Tax Assessor  
315 SW 5th St # 301  
Lawton, OK 73501-4373

(p)US DEPT OF HOUSING AND URBAN DEVELOPMENT R  
MARCUS R PATTON  
OFFICE OF GENERAL COUNSEL  
801 CHERRY ST UNIT 45  
FT WORTH TX 76102-6882

Internal Revenue Service  
Special Procedures Staff - Insolvency  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Keisha Yond  
3818 Villa Ct.  
Augusta, GA 30907-4111

Keisha Yond  
c/o Attorney General/State of Texas  
Child Support Division  
6090 Surety Dr., Ste. 250  
El Paso, TX 79905-2062

Keisha Yond  
c/o SDU (Child Disbursement Unit)  
P.O. Box 659791  
San Antonio, TX 78265-9791

LVNV Funding, LLC its successors and assigns  
assignee of LendingClub Corporation &  
LC Trust I  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

LVNV Funding, LLC its successors and assigns  
PO Box 10587  
Greenville, SC 29603-0587

Lakeview Loan Servicing, LLC  
LoanCare, LLC  
ATTN: BANKRUPTCY DEPARTMENT  
3637 Sentara Way  
Virginia Beach, VA 23452-4262

Lakeview Loan Servicing, LLC  
c/o Lakia' S. McCline  
Codilis & Moody, P.C.  
400 N. Sam Houston Parkway E. 900-A  
Houston, TX 77060-3548

Lando Resort Corporation  
3015 N. Ocean Blvd. #121  
Fort Lauderdale, FL 33308-7344

Lending Club  
21 Stevenson  
Suite 300  
San Francisco, CA 94105-2706

Navient  
P.O. Box 9500  
Wilkes Barre, PA 18773-9500

(p)ASCENDIUM EDUCATION SOLUTIONS INC  
PO BOX 8961  
MADISON WI 53708-8961

Navy Federal Credit Union  
Bankruptcy Department  
820 Follin Lane  
Vienna, VA 22180-4907

Navy Federal Credit Union  
P.O. Box 3000  
Merrifield, VA 22119-3501

Navy Federal Credit Union  
P.O. Box 3302  
Merrifield, VA 22119-3302

Navy Federal Credit Union  
c/o McCalla Raymer, LLC  
Bankruptcy Department  
1544 Old Alabama Road  
Roswell, GA 30076-2102

Nelnet  
3015 S Parker Rd  
Ste 400  
Aurora, CO 80014-2904

Nelnet on behalf of College Assist  
College Assist c/o Educational Credit Ma  
PO Box 16358  
St. Paul, MN 55116-0358

PHH Mortgage  
P.O. Box 5452  
Mount Laurel, NJ 08054-5452

PHH Mortgage Corporation  
ATTN: BANKRUPTCY DEPARTMENT  
One Mortgage Way; Mailstop: SV01  
Mt. Laurel, NJ 08054-4624

PHH Mortgage Corporation  
CODILIS & STANIARSKI P.C.  
650 N. Sam Houston Parkway, Suite 450  
Houston, TX 77060-5908

PHH Mortgage Corporation  
c/o Lakia' S. McCline  
Codilis & Moody, P.C.  
400 N. Sam Houston Parkway E. 900-A  
Houston, TX 77060-3548

Tanzy & Borrego Law Offices, P.L.L.C.  
2610 Montana Ave.  
El Paso, TX 79903-3712

Tax Assessor/Collector  
P.O. Box 2992  
El Paso, TX 79999-2992

U.S. Attorney/FHA/HUD/IRS/VA  
601 N.W. Loop 410  
Suite 600  
San Antonio, TX 78216-5512

USAA  
9800 Fredericksburg Rd.  
San Antonio, TX 78288-0002

United States Trustee - EP12  
U.S. Trustee's Office  
615 E. Houston, Suite 533  
P.O. Box 1539  
San Antonio, TX 78295-1539

(p)ASCENDIUM EDUCATION SOLUTIONS INC  
2501 INTERNATIONAL LANE  
MADISON WI 53704-3180

Verizon Wireless  
P.O. Box 26055  
Minneapolis, MN 55426-0055

(p)VETERANS ADMINISTRATION  
PO BOX 11930  
ST PAUL MN 55111-0930

WELLS FARGO HOME MORTGAGE  
P.O. BOX 10335  
Des Moines, IA 50306-0335

Wells Fargo Bank, N.A.  
Attention: Bankruptcy Department  
MAC# D3347-014  
3476 Stateview Blvd  
Fort Mill SC 29715-7203

Wells Fargo Bank, N.A.  
c/o Abbey U Dreher  
4004 Belt Line Rd Ste. 100  
Addison, TX 75001-4320

Wells Fargo Bank, N.A.  
c/o BDFTE  
4004 Belt Line Rd, Ste 100  
Addison, TX 75001-4320

Wilmington Savings Fund Society, FSB, As Tru  
1600 South Douglass Road  
Anaheim, CA 92806-5948

Dave Yond  
P.O. Box 2744  
Woodbridge, VA 22195-2744

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2610 Montana Avenue  
El Paso, TX 79903-3712

Miguel Alejandro Flores  
Tanzy & Borrego Law Offices  
2610 Montana  
El Paso, TX 79903-3712

Stuart C. Cox  
El Paso Chapter 13 Trustee  
1760 N. Lee Trevino Dr.  
El Paso, TX 79936-4565

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Army & Air Force Exchange  
P.O. Box 650410  
Dallas, TX 75265-0410

FHA/HUD  
451 7th Street S.W.  
Washington, DC 20410

(d)Military Star  
3911 S Walton Walker Blvd  
Dallas, TX 75236

Navient Solutions, Inc. on behalf of USAF  
Attn: Bankruptcy Litigation Unit E3149  
P.O. Box 9430  
Wilkes-Barre, PA 18773-9430

United Student Aid Funds, Inc (USAF)  
PO Box 8961  
Madison WI 53708-8961

Veterans Administration  
Attn: Support Services Division (243)  
701 Clay Avenue  
Waco, TX 76799-0001

End of Label Matrix  
Mailable recipients 51  
Bypassed recipients 0  
Total 51